



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 24, 1997

Ms. Kristi A. Taylor
Neiman & Barnes, L.L.P.
P.O. Box 777
Lewisville, Texas 75067

OR97-2568

Dear Ms. Taylor:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 110970.

The City of Lewisville Police Department received a request for a copy of the cassette tape and the offense report pertaining to a particular investigation. You have provided the requestor with a copy of the cassette tape and the first page of the offense report. You contend that the remaining information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the information at issue.

The Seventy-fifth Legislature amended section 552.108 of the Government Code to provide in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication;

...

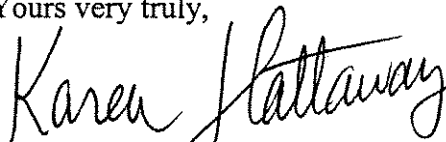
(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Gov't Code § 552.108. You state that the information at issue relates to a case that is not closed, and that "any release of this information would hinder the criminal investigation." You also indicate that the investigation in this case is ongoing. Based on these representations, we conclude that releasing the information at issue would interfere with the detection, investigation or prosecution of crime. Thus, section 552.108(a)(1) is applicable to the information.

We note, however, that information normally found on the front page of an offense report is generally considered public. *See generally* Gov't Code § 552.108(c); *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). You must release the type of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report. We understand that you have already released the front page offense report information. We conclude, therefore, that section 552.108(a)(1) authorizes you to withhold the remaining information from disclosure.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 110970

Enclosures: Submitted documents

¹We note that some of the information that is excepted from disclosure under section 552.108 is also confidential by law and excepted from disclosure under section 552.101 of the Government Code. *See* Gov't Code § 552.352 (release of confidential information constitutes misdemeanor offense).

cc: Ms. Susan M. Federer
4346 Southview Way
St. Louis, Missouri 63129
(w/o enclosures)